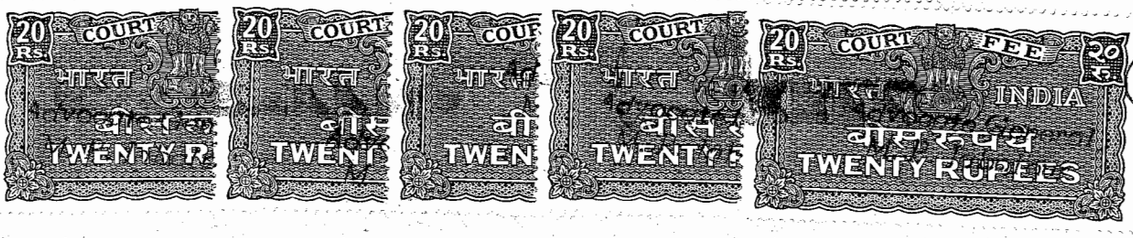

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P.No. 675 /98

PETITIONERS : State of Madhya Pradesh, through D.F.O., General, Forest Division, Kanker, Distt. Bastar.

-Versus-

RESPONDENTS : 1.Gayatri Shrivastava, D/o Shri Durga Prasad Shrivastava, working in the O/O Forest Extention Office, North Raipur Dn.

2.Presiding Officer, Labour Court, Raipur.

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(18)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 675 of 1998

Petitioner : State of M.P.

Versus

Respondents : Gayatri Shrivastava & another

Shri Sushil Dubey, Government Advocate for the petitioner.

None for the respondents.

ORAL ORDER

(20th July, 2006)

1. The petitioner raised a dispute before the State Government. The Deputy Labour Commissioner referred the matter to the Labour Court, under Section 10 of the Industrial Disputes Act. The Labour Court issued notice and granted several opportunities to the petitioner. Despite notice and opportunities, the Petitioner/State failed to appear before the Labour Court. The Labour Court on the basis of records and statement of claim, came to conclusion that the respondent No.1 has proved that she had worked for more than 240 days in the preceding year and the termination of service was not in accordance with Section 25-F of the Industrial Disputes Act, 1947 as no retrenchment compensation was paid to her. The Labour Court, accordingly, by award dated 29.8.1997 (Annexure P-1) directed to reinstate the respondent No.1 with 50% back wages.

(19)

2. The petitioner has filed this petition, impugning the award dated 29.8.1997 (Annexure P-1) on the ground that the petitioner was not given sufficient opportunity.

3. On perusal of the case, it is found that sufficient opportunity has been afforded to the petitioner. Notwithstanding, the fact that sufficient opportunity was afforded, the petitioner failed to appear before the Labour Court. There is no challenge on any other ground. It appears that the petitioner has also not complied with the Provisions of Section 17-B of the Industrial Disputes Act, 1947 till date.

4. It is well settled principle of law that the scope of the interference in exercise of power under the Article 227 of the Constitution of India is limited. The High Court can interfere with the award only in such cases, where the order is passed on the basis of no evidence, suffers from patent illegality or infirmity. It is not the case in the present case.

5. Accordingly, the petition is dismissed with a direction that the State will take steps to comply with the award dated 29.8.1997 (Annexure P-1), within a period of one month from the date of receipt/production of a copy of this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gouri